

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 21ST MARCH 2007 / 30TH PHALGUNA 1928

WP(C).No. 19345 of 2005(C)

PETITIONER:

K.N.NEELAKANDAN NAMBOODIRI,
AGED 54, S/O.K.C.NARAYANAN NAMBOODIRI,
KARIPPAL MANA, NEDUMPURA,
CHERUTHURUTHY, TRICHUR.

BY ADV. SRI.P.GOPALAKRISHNA MENON

RESPONDENTS:

1. THE REGIONAL TRANSPORT AUTHORITY,
PALAKKAD, REPRESENTED BY ITS
SECRETARY.
2. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
PALAKKAD.
3. KERALA STATE ROAD TRANSPORT
CORPORATION REPRESENTED BY ITS DISTRICT TRANSPORT
OFFICER, PALAKKAD.
4. STATE TRANSPORT APPELLATE TRIBUNAL,
ERNAKULAM.

BY ADV. SHRI.JOHNSON P.JOHN, SC, KSRTC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 21/03/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF THE APPLICATION IN THE PRESCRIBED FORM P.ST.S.A. FILED BY THE PETITIONER DATED 27.12.2003

EXT.P2 TRUE COPY OF THE COVERING LETTER FILED BY THE PETITIONER DATED 27.12.2003

EXT.P3 TRUE COPY OF THE ORDER OF THE FIRST RESPONDENT DATED 31.5.2004

EXT.P4 TRUE COPY OF THE APPEAL MEMORANDUM AS MVAA NO. 696 OF 2004 (WITHOUT EXHIBITS) FILED BY THE PETITIONER DATED 13.9.2004

EXT.P5 TRUE COPY OF THE COUNTER AFFIDAVIT FILED BY THE 3RD RESPONDENT IN MVAA NO. 696/04 DATED NIL.

EXT.P6 TRUE COPY OF THE REPLY AFFIDAVIT FILED BY THE PETITIONER IN MVAA NO. 696/04 DATED 28.10.2004

EXT.P7 TRUE COPY OF THE JUDGMENT IN MVAA NO. 696/04 DATED 17.5.2005

RESPONDENTS' EXHIBITS: NIL.

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 19345 OF 2005

Dated this the 21st day of March, 2007

JUDGMENT

Petitioner is challenging STAT's order confirming denial of regular permit by RTA. The only ground on which STAT sustained denial of permit is overlapping on route in the supplementation scheme. This Court vide decision in RAHUL TOM V. KSRTC, (2001) 3 KLT 261, held that no new permit can be granted overlapping supplementation scheme. In the circumstances, as of now, petitioner is not entitled to permit in the route applied for. However, if matter is pending before the Supreme Court and the decision of the Supreme Court entitles the petitioner for a permit then there will be direction to the RTA to go by the decision of the Supreme Court and consider petitioner's application for permit afresh and grant it if he is eligible under the judgment of the Supreme Court.

W.P. is disposed of as above.

(C.N.RAMACHANDRAN NAIR)
Judge

